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June 17, 2009

House Judiciary Committee
Michigan House of Representatives
Capitol Building
P.O. Box 30014
Lansing, MI 48909-7514

Dear Committee Members:

Over the last few years the Detroit Police Department has worked closely with the University of Detroit-Mercy in exploring various alternatives to enhance the level of safety of the University community. The cooperative relationship between their campus security force and our department spans a few decades and that lengthy experience clearly demonstrates a high degree of competence and professionalism.

It is beyond debate that ensuring public safety on college campuses must be high on the list of law enforcement priorities because of well known tragedies on college campuses across the nation and, regrettably, recently in this state. The same safety challenges that public universities and colleges face confront private institutions of higher learning as well. I am committed to supporting continuing efforts to enhance the level of professionalism of those responsible for providing campus security.

I enthusiastically support the enclosed proposed legislation that, in my judgment, is a substantial step in enhancing the level of professionalism of persons responsible for ensuring the safety of students, staff, and visitors on private college campuses such as the University of Detroit-Mercy. I also strongly support this proposed legislation because it satisfactorily addresses each and every objection that has been identified by law enforcement in regard to earlier proposals.

In a nutshell, the legislation would allow private colleges and universities – on a voluntary basis – to create (after obtaining necessary approvals from the county prosecutor, county sheriff, and chief of police) a new category of **private** campus security that meets stringent eligibility and training standards. The proposed legislation would require that candidates must meet all Michigan Commission on Law Enforcement Standards (MCOLES) eligibility standards and graduate from an accredited training academy.



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There have been several meritorious objections to earlier proposed legislation. The proposed legislation has been redrafted to address and eliminate each of the identified concerns.

First, there has been insistence that persons not employed by public law enforcement agencies should not be eligible for law enforcement officer certification. I certainly concur with that position. Section 40 states: "Private college security officers are not certified as law enforcement officers under the Commission on Law Enforcement Standards Act, 1965 PA 203, MCL 28.601 to 28.616."

Second, there has been insistence that enhanced arrest authority beyond that which already exists for private security officers should not be statutorily conferred on private college security officers. The proposed legislation does not do so. The arrest authority conferred by the proposed legislation is **exactly** the same arrest authority that authorized security officers currently have and have had for twenty years under Public Act 330 of 1968. Pursuant to licensing under MCL 338.1080, University of Detroit–Mercy security officers **currently** possess "the authority to arrest a person without a warrant as set forth for public peace officers in section 15 of the code of criminal procedure, 1927 PA 175, MCL 764.15, when that private security police officer is on the employer's premises. Such authority is limited to his or her hours of employment as a private security police officer and does not extend beyond the boundaries of the property of the employer and while the private security officer is in the full uniform of the employer." As already stated, the proposed legislation does not make any changes in arrest authority.

Third, objections have been raised that members of a private college security force should not be able to exercise law enforcement authority beyond the campus. Section 40 of the proposed legislation provides that arrest authority for violations of state statutes and local ordinances "may be exercised only on property owned or leased by the private college or university wherever situated."

Fourth, objections have been raised that an earlier draft limited the legislation to universities and colleges located in high-population cities. In fairness to the University of Detroit–Mercy, it is my understanding that this was included in previous proposals as a suggestion to facilitate passage. The current legislation makes any private college or university that has students



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residing in campus housing eligible if the governing board wishes to do so and obtains the required authorization.

Fifth, a prior draft of the legislation did not make it sufficiently clear that once established local officials could revoke authorization to create a private college security force. Section 38 of the proposed legislation addresses this objection. The approval of the county prosecutor, sheriff, and chief of police are required and the proposed legislation further states that "any one of persons whose approval is required under this section may rescind that approval at any time after his or her approval was granted, in which case the private college security force is no longer authorized and shall cease to operate."

Sixth, concerns have been raised that non-public security forces should not undertake the responsibility of conducting criminal investigations and presenting cases to prosecuting officials. This legislation is unlike the "Public Body Law Enforcement Agency Act" created in 2004 (MCL 28.581 et seq) which authorized the creation of law enforcement agencies. As is the case with any Public Act 330 entity, arrestees are turned over to the local police department which is responsible for conducting the investigation and presenting a warrant request to the prosecutor's office. This would not change under the proposed legislation.

I have taken the time to address these concerns to emphasize that the proposed legislation contains none of the objectionable provisions in earlier proposals. It does go a long way toward enhancing the professionalism and competence of persons entrusted with protecting the safety of thousands of persons in the university community and I am pleased that, as revised, I can support it enthusiastically.

Sincerely,

A handwritten signature in cursive script that reads "James R. Barren".

JAMES R. BARREN, PH.D.
Chief of Police

Enclosure